

SCOTTSDALE

CITY COUNCIL MEETING

AMENDED AGENDA – ITEMS 8 & 16 AMENDED



COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Cynthia Lukas

Ned O'Hearn

David Ortega

Tom Silverman

Tuesday, January 21, 2003

MARKED AGENDA

5:00 P.M.

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard - **5:04 P.M.**

Roll Call - ALL PRESENT

Pledge of Allegiance - GIRL SCOUT TROOP #1618 FROM CHEYENNE TRADITIONAL SCHOOL

Invocation – REVEREND JACK SYLVESTER OF THE BROTHERHOOD OF MAN CHAPEL

Announcement – MAYOR MANROSS THANKED THE COMMUNITY AND STAFF FOR THEIR CONTRIBUTIONS TO VISTA DEL CAMINO

Public Comment - LEON SPIRO – SPOKE IN OPPOSITION TO THE ABANDONMENT OF GLO EASEMENTS AND BROUGHT UP THE QUESTION OF LIABILITY; PATTY BADENOCH – EXPRESSED DISPLEASURE WITH THE PROCESS THAT WAS USED IN THE APPROVAL OF THE FRONT YARD PARKING ORDINANCE; PAT BLAKEY – SPOKE IN SUPPORT OF THE KIDS ZONE AFTER SCHOOL PROGRAM AND EXPRESSED HIS DESIRE TO SEE IT CONTINUE; DARLENE PETERSEN – LISTED THE RESTRICTIONS AS RECOMMENDED BY THE NEIGHBORHOOD ENHANCEMENT COMMISSION FOR THE FRONT YARD PARKING ORDINANCE AND EXPRESSED HER DISPLEASURE IN THE CHANGES IN THE ORDINANCE AS PASSED BY COUNCIL; DANIEL BASINGER – REPORTED A SUCCESSFUL HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT HELD THIS PAST SATURDAY; HE ALSO URGED EVERYONE TO PARTICIPATE IN THE SERIES OF WATER CONSERVATION LECTURES TO BE HELD IN THE CITY.

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes – OK – 7/0

SPECIAL MEETINGS

REGULAR MEETINGS

Tuesday, January 7, 2003

EXECUTIVE SESSIONS

1. Indian School/Granite Reef Office Rezoning – OK - C**Request to approve:**

1. Rezone from Service Residential (S-R) to Commercial Office (C-O) on a 1 +/- acre parcel.
2. Adopt Ordinance No. 3486 affirming the above rezoning.

Location: 8399 E Indian School Rd**Reference:** 22-ZN-2002**Staff Contact(s):** Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov**2. Olympic Private School Facility Conditional Use Permit – OK – 7/0****Request:** Approve a conditional use permit for a private charter school on a 1.8 +/- acre parcel with Industrial Park (I-1) zoning**Location:** 9318 N 95th Wy**Reference:** 26-UP-2002**Staff Contact(s):** Jerry Stabley, Senior Development Planner, 480-312-7872, jstabley@ScottsdaleAZ.gov**3. Montacino-McDowell Mountain General Plan Amendment and Rezoning – CONTINUED
UNTIL MARCH 4, 2003 – 7/0****Request to approve:**

1. A non-major General Plan amendment from Urban Neighborhoods to Suburban Neighborhoods on a 6.32+/- acre parcel located at 12325 E Shea Boulevard.
2. Adopt Resolution No. 6225 affirming the above general plan.
3. Rezone from Multi-Family Residential, Environmentally Sensitive Lands (R-5 ESL) to Single Family Residential, Environmentally Sensitive Lands (R1-5 ESL) with amended development standards and the termination of an existing development agreement on a 6.32+/- acre parcel.
4. Adopt Ordinance No. 3487 affirming the above rezoning and amended development standards.
5. Adopt Resolution No. 6229 terminating the existing development agreement No. 980108.

Location: 12325 E Shea Boulevard**Reference:** 8-GP-2002 & 23-ZN-2002**Staff Contact(s):** Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov**4. Olympic Private School Facility Text Amendment – OK – 7/0****Request to approve:**

1. A text amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455) to amend Article V., District Regulations., Section 5.1803., Use Regulations. to allow for private and charter schools within the Industrial Park (I-1) District by conditional use permit.
2. Adopt Ordinance No. 3488 affirming the above text amendment.

Location: 9318 N 95th Wy**Reference:** 5-TA-2002**Staff Contact(s):** Jerry Stabley, Senior Development Planner, 480-312-7872, jstabley@ScottsdaleAZ.gov**5. De-annexation to Fountain Hills – OK – 7/0****Request:** Adopt Ordinance #3485 to de-annex Tracts J, K and P of Condillera at CopperWynd (1.69 acres) to the Town of Fountain Hills.**Location:** Northwest and South of Copperwynd Drive at Eagle Ridge Drive**Reference:** 1-AN-2002

Staff Contacts: Bill Verschuren, Senior Planner, 480-312-7734, bverschuren@ScottsdaleAZ.gov

6. Grant award for crime laboratory DNA equipment and supplies – OK – 7/0

Request: Adopt resolution No. 6218 authorizing the Police Department to accept the National Institute of Justice No Suspect Casework DNA Backlog Reduction Program grant from the Arizona Department of Public Safety in the amount of \$114,954 for the purchase of a genetic analyzer, a 2700 Thermocycler and related DNA supplies. The equipment and supplies will be used to process the Police Department's 'no suspect' sexual assault backlog casework and identify possible suspects using DNA profiling.

Reference: Resolution No. 6218

Staff Contact(s): Steve Garrett, Forensic Services Division Manager, Police Department 480-312-5280, sgarrett@ci.scottsdale.az.us <<mailto:sgarrett@ci.scottsdale.az.us>>

7. Award for Juvenile Accountability Incentive Block Grant – OK – 7/0

Request: Adopt resolution No. 6219 authorizing the Police Department to accept the Juvenile Accountability Incentive Block Grant, Year 5, from the Governor's Division for Children in the amount of \$74,387. The funds will be passed through to Scottsdale Prevention Institute (SPI), Contract No. 2003-003-COS, to fund coordinated efforts to address juvenile crime through a wide range of prevention, intervention and treatment strategies.

Reference: Resolution No. 6219 and Professional Services Contract No. 2003-003-COS.

Staff Contact(s): Carla A. Murillo, Budget Analyst, Police Department 480-312-5202; cmurillo@ci.scottsdale.az.us.

*****8. Taliesin West Destination Attraction Development, Establishment of a Conservation Easement, and bond reimbursement resolution – OK – 7/0**

Request:

- 1) Authorize a change in the use of \$517,350 previously approved and funded bed tax capital funds from investment in a Frank Lloyd Wright Visitor Center at Taliesin West to a modified project comprised of new destination attraction features at Taliesin West and in downtown Scottsdale, and for the acquisition of a conservation easement within the McDowell Sonoran Preserve boundary, currently owned by the Frank Lloyd Wright Foundation, as recommended by the Tourism Development Commission at its December 17, 2002 meeting
- 2) Authorize staff to negotiate a contract implementing the elements of the proposal in substantial conformance to the December 13, 2002 staff report to the Tourism Development Commission (Attachment No. 1).
- 3) Adopt Resolution No. 6244 declaring the City's intent to advance funds not to exceed \$15,000,000 for the Taliesin West, Loloma Museum, and Canal Bank Improvement Projects. The approval of Resolution No. 6244 will allow the City to be reimbursed for funds advanced for these three projects from future bond proceeds as described by U.S. Treasury Regulation Section 1.150-2.

Staff Contact(s): Kathy Carlisle O'Connor, Tourism Development Manager, Economic Vitality Department, 480-312-7057, kcoconnor@scottsdaleAZ.gov; Robert Cafarella, Director of Preservation, Preservation Department, 480-312-2577, rcafarella@scottsdaleAZ.gov; Rebecca Eickley, Financial Services Specialist, Financial Services Department, 480-312-7084, reickley@scottsdaleAZ.gov.

9. Temporary Reduction of Certain Fees in Downtown – OK - C

Request: Adopt Resolution No. 6238 allowing for the temporary waiver of specific development and building fees in a designated area in Downtown Scottsdale.

Staff Contact(s): David Roderique, Economic Vitality General Manager (480) 312-7601, droderique@scottsdaleaz.gov; Harold Stewart, Business Services Manager, (480) 312-2311, hstewart@scottsdaleaz.gov; Jon Chase, Principal Planner (480) 312-2578, jchase@scottsdaleaz.gov

10. Annual Audit Plan for the Office of the City Auditor, Fiscal Year 2002/2003. – OK - C

Request: Review and approve the annual audit plan for the Office of the City Auditor.

Staff Contact(s): Cheryl Barcala, City Auditor, cbarcala@scottsdaleaz.gov (480) 312-7867

11. Amended Agreement for Delivery of Incentive Priced Excess Central Arizona Project Water for Groundwater Recharge – OK – 7/0

Request: Adopt Resolution No. 6226 authorizing the execution of Agreement No. 2003-004-COS, and authorize execution of Agreement No. 2003-004-COS with the Central Arizona Water Conservation District (CAWCD) for delivery of incentive-priced excess Central Arizona Project (CAP) water for groundwater recharge purposes.

Staff Contact(s): Beth Miller, Water Resources Advisor, 480-312-7894, emiller@ci.scottsdale.az.us

12. Construction Bid Award for Traffic Calming and Pedestrian Bridge – OK - C

Request: Authorize Construction Bid Award No. 03PB003, Traffic Calming and Pedestrian Bridge, to the lowest responsive bidder identified at a public bid opening conducted on January 14, 2003 at 3:00PM (See attachment No. 4). The purpose of this action is to award a contract to construct landscaped traffic calming devices at three Scottsdale neighborhood locations: Tonalea neighborhood (Oak Street to McDowell Road/ 66th Place to Scottsdale Road), E. Cholla Street (N. 64th Street to Scottsdale Road), and E. Chaparral Road (between Scottsdale Road and Hayden Road). This contract also includes a new pedestrian bridge crossing over the Crosscut Canal at the Oak Street alignment.

Related Policies, References:

- Development Review Board in August 2002 (Case No. 40-DR-2002)
- Neighborhood Traffic Management Plan – Scottsdale Transportation Department
- Engineering Services Contract No. 2001-131-COS (9/24/01)
- Preliminary Art Concept Approval by PACC (3/12/02)

Staff Contact(s): Brad Wisler, Project Manager, 480.312.7626, bwisler@ci.scottsdale.az.us

13. Authorize the acquisition of real property at 7234 and 7240 East Second Street – OK – 7/0

Request: Adopt Resolution No. 6224 authorizing the acquisition of real property at 7234 and 7240 East Second Street from the Noriega Family in the amount of \$235,000.00. Properties will be used to enlarge an existing surface parking lot.

Related Policies, References: At the October 28, 2002 Council study session, staff presented a progress update on the Downtown Scottsdale Master Parking Plan. The update included a recommendation that three sites, including the Noriega properties, in the Old Town District be further evaluated for the addition of parking facilities. Ownership of the Noriega property, which includes two vacant homes, will provide 35 additional parking spaces in the Old Town District.

Staff Contact(s): Madeline Clemann, Parking Program Manager, mclemann@ci.scottsdale.az.us, (480) 312-2732; Jean Morris, Right of Way Agent, jmorris@ci.scottsdale.az.us, (480) 312-7853; Ron King, Asset Management Coordinator, rking@ci.scottsdale.az.us, (480) 312-7042

14. Funding approval for WestWorld Master Plan Update Environmental Assessment as required by the Bureau of Reclamation to ensure compliance under the National Environmental Policy Act (NEPA). – OK - C

Request: Approve Contract Amendment No. 2001-165-COSA with BRW Inc., in the amount of \$52,526 to prepare an environmental assessment in conjunction with an update of the WestWorld Master Plan, and; Authorize the utilization of Basin Management Funds in the amount of \$52,526 to fund this contract amendment.

Related Policies, References: Council Action on March 18, 2002 authorized awarding contract (#2001-165-COS) to BRW Inc./Gralla Architects to update the WestWorld Master Plan.

Staff Contact(s): Brad Gessner, WestWorld General Manager, 480-312-6825, bgessner@Scottsdaleaz.Gov; Annette Grove, Project Manager, 480-312-2399, Agrove@scottsdaleaz.gov

15. Land acquisition for the McDowell Sonoran Preserve and reimbursement agreement – OK – 7/0

Request: Adopt Resolution No. 6232 authorizing purchase in the amount of \$955,300 for the 19.01-acre Parcel No. 216-75-017B, located at 28445 N. 126th Street, for the McDowell Sonoran Preserve. The purchase price represents the property owner's December 2002, counter offer to the city's June 2001, offer to purchase for \$855,450; and

Adopt Resolution No. 6131 declaring the city's intent to advance funds not to exceed \$50,000,000 for the purchase of property for the McDowell Sonoran Preserve.

Related Policies, References: The parcel is within the expanded Recommended Study Boundary approved in August 1998, by City Council and in November 1998, by voters. The acquisition of this land supports City Council Broad Goal B: Preserve the Character and Environment of Scottsdale, and two sub-goals under Goal B: Complete the acquisition of lands within the adopted Preserve boundaries; and Protect natural resources, open spaces and views.

Staff Contact(s): Robert J. Cafarella, AICP, Director, Preservation Division, 480-312-2577 (rcafarella@ci.scottsdale.az.us)

REGULAR AGENDA

*****16. Selection of Developer and Project for the former Smitty's site at Granite Reef and McDowell Roads - MOTION TO APPROVE THE CITY'S EXCLUSIVE RIGHT TO NEGOTIATE UNTIL MAY 20, 2003 WITH THE RED GROUP LLC AND SOUTHWEST RETAIL GROUP, INC. AS THE SELECTED DEVELOPMENT TEAM FROM THE REQUEST FOR PROPOSAL – DENIED 3/4 (T.S., W.E., R.L., N.O.)**

MOTION TO APPROVE THE CITY'S EXCLUSIVE RIGHT TO NEGOTIATE UNTIL MAY 20, 2003 WITH TREND HOMES OF ARIZONA AND AVD DEVELOPMENT PARTNERS, LLC. AS THE SELECTED DEVELOPMENT TEAM FROM THE REQUEST FOR PROPOSAL – OK – 4/3 (C.L., M.M., D.O.)

Agreement for Exclusive Right to Negotiate, until May 20, 2003, with the RED Group LLC and Southwest Retail Group, Inc. as the selected development team from the Request for Proposal submittals for approximately 8.8 acres at NW Corner of Granite Reef and McDowell Roads.

Related Policies, References: Council action to approve purchase of site on January 8, 2001; Council presentation of May 14, 2001 regarding community desires for the site and possible mixes of use and

direction to work with community groups on potential for their use of the site; EDAW's Master Planning Contract approval on February 19, 2002; Updates to Council on May 13, 2002 and July 1, 2002 with direction to move forward with the Developer RFP.

Request: David Roderique, General Manager Economic Vitality Department, 480-312-7601, droderique@scottsdaleAZ.gov;

Laurel W. Edgar, Economic Vitality Department, Revitalization Manager, 480-312-7313, ledgar@scottsdaleAZ.gov

17. Management Services Agreement between the City of Scottsdale and the Scottsdale Cultural Council for Management of Art/Cultural Services in the City. - OK – 7/0

Request: Consider extension of the Amended and Restated Management Services Agreement, Contract #970044, between the City of Scottsdale and the Scottsdale Cultural Council or provide other direction to City staff.

Related Policies and References: Amended and Restated Management Services Agreement, contract 970044, dated October 7, 1997.

Staff contact(s): William Exham, General Manager, Community Service Department, 480-312-2377, bexham@scottsdaleaz.gov

18. Consideration of Downtown Scottsdale Partnership funding request. - MOTION TO ADOPT RESOLUTION 6213 AND APPROVE USE OF THE \$59,500 EMSD ASSESSMENT FUNDS BY THE EMSD TO BE ALLOCATED \$30,000 TO SPECIAL EVENT FUNDING AND \$29,500 TO BE USED FOR DSP OPERATING EXPENSES – DENIED 3/4 (D.O., W.E., R.L., T.S.)

MOTION TO ADOPT RESOLUTION 6213 ALLOCATING \$30,000 OF THE \$59,500 IN EMSD ASSESSMENTS TO THE CITY'S GENERAL FUND WITH THE REMAINING \$29,500 TO BE ALLOCATED TO DSP FOR SPECIAL EVENT FUNDING, AND APPROVE THE RELEASE OF THE \$99,813.15 OBLIGATION OF EMSD TO REPAY THE GENERAL FUND ACCOUNT FOR THE ORIGINAL CREATION EXPENSES. – OK – 4/3 (C.L., M.M., D.O.)

Request: As requested by a Council member, consideration of a request by Downtown Scottsdale Partnership (DSP) for the City to provide \$35,000 of additional operating funds for 2002, authorize \$59,500 in EMSD assessments for a Special Events Production fund and for Council to decide whether to restore, from EMSD assessments, funds provided from the City's general funds in 1997 to create the EMSD and thus release DSP from an obligation use EMSD funds to repay these funds to the general fund. Resolution No. 6213 is attached for Council's use in authorizing the funding and providing the necessary direction to comply with all or a portion of these requests.

Staff Contact(s): David Roderique, Economic Development Department, General Manager, 480-312-7601, droderique@ci.scottsdale.az.us; Laurel W. Edgar, Economic Development Department, Revitalization Manager, 480-312-7313, ledgar@ci.scottsdale.az.us

REGULAR AGENDA

Tuesday, January 21, 2003

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Public Comment - NONE

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report - NONE

Mayor and Council Items - NONE

Adjournment – 9:16 P.M.

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.